

REMARKS / ARGUMENTS

This paper is submitted in response to the Advisory Action of November 20, 2006 wherein several claims, namely, claims 14, 17, and 19-22 were indicated for a second time as being allowed, having been allowed previously in the Office Action dated April 18, 2006. As such, the undersigned attorney for Applicant seeks to place this application in condition for immediate allowance.

From the Advisory Action of November 20, 2006, it is understood that none of the amendments presented in the Applicant's Amendment submitted October 18, 2006 were entered. That is, claims 26-41 stand as rejected and all other claims have been withdrawn, aside from the allowed claims 14, 17 and 19-22. It is further understood from subsequent telephone conversations with the Examiner on December 1st and 7th, 2006, that the Examiner appears to believe this application now stands as abandoned.

However, and for reasons set forth below, the undersigned attorney for Applicant strongly disagrees and urges the Examiner to reconsider her position, and in doing so, to kindly enter this Amendment, which cancels all other claims and leaves only those claims 14, 17 & 19-22 which stand as having been allowed.

First, the Applicant wishes to remind the Examiner that in the Final Office Action dated April 18, 2006, claims 14, 17, and 19-22 were allowed. No further amendments to these claims were necessary or required.¹ As per the Advisory Action of November 20, 2006, these claims continue to stand as having been allowed.

Second, the Applicant would like the Examiner to reconsider comments made in the Final Office Action of April 18, 2006, at page 4, ¶7. The undersigned attorney for Applicant understood these comments to be a specific invitation to amend claim 26, and as a result claims 27-41 dependent therefrom, as reflected in its Amendment of October 18, 2006. More in particular, the Examiner stated with regard to arguments made in the Amendment of January 27, 2006 that:

...it is noted that the features upon which applicant relies (i.e., structure allowing the hub member to rotate about the pole) are not recited in the rejected claim 26. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. [Citation omitted]. Therefore, rejection under European patent [No. 628,264] is still granted. *Id.*

Thus, in response to the Examiner's requirement of form, and in accordance with 37 C.F.R. §1.116(b)(1), Applicant merely adopted the Examiner's suggestions and recited the structure allowing

¹ It is noted, however, that claim 20 was objected to in the Final Office Action because of one informality, namely, the term "at least one pulley" should read "at least one pulley member." This amendment to claim 20 was made in the October 18, 2006 Amendment.

the hub member to rotate about the pole in claim 26, thereby placing the application in condition for immediate allowance.

Third, the Examiner states in the Advisory Action of November 20, 2006, that the proposed claim 26 presented in the Amendment of October 18, 2006 "includes additional limitations that raise a new combination which has not been considered before and would require further consideration and search." Applicant respectfully disagrees. In fact, the Examiner's specific comments in the Final Office Action at page 4, ¶7 indicate otherwise, i.e., that the Examiner had already considered the invention set forth in claim 26 and that if this claim were amended as suggested, no further search would be necessary and only minimal reconsideration. The undersigned attorney for Applicant amended the language of claim 26, as set forth in the Amendment of October 18, 2006, in direct response to the Examiner's suggestions. Although arguments can be made to the effect that the amendment to claim 26 was entirely appropriate and entitled to entry, the Applicant has nevertheless cancelled it and claims 27-41 with this paper, so as to leave only claims 14, 17 and 19-22, which have clearly been allowed, both previously and in the Advisory Action.

Having done so, and for the above stated reasons, the undersigned attorney for Applicant submits that this application is in condition for immediate allowance, and the Examiner is respectfully urged to enter this Amendment and issue a Notice of Allowance.

In the event that any fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credits to our **Deposit Account No. 13-1227.**

Respectfully Submitted,

MALLOY & MALLOY, P.A.
Attorneys for Applicant
2800 S.W. 3rd Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By: 

Jennie S. Malloy
Reg. No. 37,670

Date: 12/13/2006